

# **EXHIBIT C**

# EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

JASON TAYLOR a/k/a JAY TAYLOR;  
MARY SCOTT-MOONEY a/k/a CATHY  
MOONEY; ERICKA KILLINGBECK;  
FRANCINE LEGGETT; CHERYL  
LOCKHART; and MARTHA LENTZ,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

BELVOIR MEDIA GROUP, LLC,

Defendant.

Case No. 1:22-cv-00477-HYJ-RSK

**DECLARATION OF  
THOMAS E. CANFIELD**

I, Thomas E. Canfield, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am the Vice President of Circulation at Belvoir Media Group, LLC (“Belvoir”) and manage Belvoir’s marketing database. I have been in this role since 2006. In over my twenty years with the company, I have held a number of different roles at Belvoir.

2. I make this Declaration in support of Belvoir’s motion to dismiss the above-captioned action based on my personal knowledge and my review of Belvoir’s records kept in the ordinary course of business.

3. I have reviewed and am familiar with the allegations in the First Amended Complaint filed by Plaintiffs Jason Taylor a/k/a Jay Taylor, Mary Scott-

Mooney a/k/a Cathy Mooney, Ericka Killingbeck, Francine Leggett, Cheryl Lockhart, and Martha Lentz (the “Plaintiffs”).

4. From May 30, 2016 through July 31, 2016, Belvoir owned, among other publications, the following which appear to be referred to in the First Amended Complaint: *Kitplanes*; *Weill-Cornell Women’s Health Advisor*; and *Focus on Healthy Aging* (collectively, the “Belvoir Publications”).

5. Belvoir’s internal database, kept in the ordinary course of business, contains records of all current and historical transactions related to the subscriber (*i.e.*, the person to whom the issues of the magazine are addressed, even if the subscription was gifted) as well as the subscriber’s name and current associated addresses. This information is maintained for both active and inactive subscribers to the Belvoir Publications. For gift subscriptions, the internal database contains the name of the donor (*i.e.*, the person who purchased the subscription) and the donor’s current associated address. This information is maintained for both active and inactive subscribers to the Belvoir Publications. The subscriber and, if applicable, the donor, are the only names associated with a Belvoir Publication in the internal database.

6. I am able to search the internal database by name and current address, among other data fields.

7. I am informed that Plaintiffs' counsel provided Defendant's counsel with multiple addresses for each Plaintiff, and that all of these addresses were within the state of Michigan. Accordingly, with respect to each Plaintiff, I searched Belvoir's internal database by name with a general zip code restriction for the state of Michigan.

8. I am aware that Plaintiff Taylor alleges that prior to July 31, 2016, he "was a subscriber to *Dogster* and *Kitplanes* magazines" and that Belvoir "disclosed, without the requisite consent or prior notice, Plaintiff Taylor's Private Reading Information." (FAC ¶ 9.)

9. Based on my review of the internal database, Belvoir has no record that anyone named Jason Taylor or Jay Taylor, with a Michigan address, purchased any Belvoir Publication prior to July 31, 2016 as a subscriber or donor.

10. I am aware that Plaintiff Scott-Mooney alleges that prior to July 31, 2016, she "was a subscriber to *Weill-Cornell Women's Health Advisor* and *Harvard*

*Women's Health Watch* magazines” and that Belvoir “disclosed, without the requisite consent or prior notice, Plaintiff Taylor’s Private Reading Information.” (FAC ¶ 10.)

11. Based on my review of the internal database, Belvoir has no record that anyone named Mary Scott-Mooney, Cathy Mooney, or Catherine Mooney (another variant of the name that I am informed was provided by Plaintiffs’ counsel), with a Michigan address, purchased any Belvoir Publication prior to July 31, 2016 as a subscriber or donor.

12. I am aware that Plaintiff Killingbeck alleges that prior to July 31, 2016, she “was a subscriber to *Women's Health* newsletter” and that Belvoir “disclosed, without the requisite consent or prior notice, Plaintiff Killingbeck’s Private Reading Information.” (FAC ¶ 11.)

13. Based on my review of the internal database, Belvoir has no record that anyone named Ericka Killingbeck, with a Michigan address, purchased any Belvoir Publication prior to July 31, 2016 as a subscriber or donor.

14. I am aware that Plaintiff Leggett alleges that prior to July 31, 2016, she “was a subscriber to *Focus on Healthy Aging* magazine” and that Belvoir



“disclosed, without the requisite consent or prior notice, Plaintiff Leggett’s Private Reading Information.” (FAC ¶ 12.)

15. Based on my review of the internal database, Belvoir has no record that anyone named Francine Leggett, with a Michigan address, purchased any Belvoir Publication prior to July 31, 2016 as a subscriber or donor.

16. I am aware that Plaintiff Lockhart alleges that prior to July 31, 2016, she “was a subscriber to *Focus on Healthy Aging* magazine” and that Belvoir “disclosed, without the requisite consent or prior notice, Plaintiff Lockhart’s Private Reading Information.” (FAC ¶ 13.)

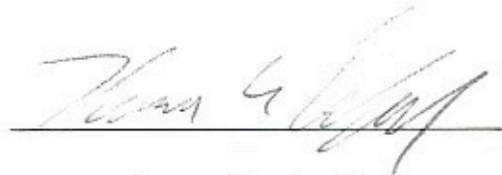
17. Based on my review of the internal database, Belvoir has no record that anyone named Cheryl Lockhart, with a Michigan address, purchased any Belvoir Publication prior to July 31 2016 as a subscriber or donor.

18. I am aware that Plaintiff Lentz alleges that prior to July 31, 2016, she “was a subscriber to *Focus on Healthy Aging* magazine” and that Belvoir “disclosed, without the requisite consent or prior notice, Plaintiff Lentz’s Private Reading Information.” (FAC ¶ 14.)

19. Based on my review of the internal database, Belvoir has no record that anyone named Martha Lentz, with a Michigan address, purchased any Belvoir Publication prior to July 31, 2016 as a subscriber or donor.

I declare under penalty of perjury under the law of the United States that the foregoing is true and correct.

Executed this 18<sup>th</sup> day of August, 2022 in West Dover, VT.

A handwritten signature in dark ink, appearing to read "Thomas E. Canfield", written over a horizontal line.

Thomas E. Canfield